

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

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**NATALI GARCIA**

**Plaintiff,**

**v.**

**RENTGROW, INC.**

**Defendant.**

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) **CIVIL ACTION NO.**  
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**COMPLAINT**

**PRELIMINARY STATEMENT**

1. This is an action for damages brought by an individual consumer against the Defendant for violations of the Fair Credit Reporting Act (hereafter the “FCRA”), 15 U.S.C. §§ 1681 *et seq.*, as amended.

**THE PARTIES**

2. Plaintiff Natali Garcia is an adult individual who resides in Dallas, TX.

3. Defendant RentGrow, Inc., (hereafter “RentGrow”) is a consumer reporting agency which provides background and tenant screening services, risk-management services and products, information management products and services, and decisions-making intelligence. RentGrow regularly conducts business in the Northern District of Texas and has a primary office located at 400 Fifth Avenue, Suite 120, Waltham, MA 02451.

**JURISDICTION AND VENUE**

4. Jurisdiction of this Court arises under 15 U.S.C. § 1681p and 28 U.S.C. §§ 1331.

5. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).

**FACTUAL ALLEGATIONS**

6. In or around September 2022, Plaintiff was attempting to secure an apartment rental with Horizons at Sunridge (hereafter “Horizons”).

7. As part of Plaintiff’s rental application, Horizons obtained a consumer report from Defendant.

8. Defendant’s report contained derogatory and inaccurate information about Plaintiff.

9. Defendant has been reporting, and did here report, derogatory and inaccurate statements and information relating to Plaintiff to third parties (“inaccurate information”).

10. The inaccurate information includes, but is not limited to, convictions for felonies for Aggravated Assault Causes Serious Bodily Injury and Forgery Financial Instrument and misdemeanors for Fail to Identify Fugitive Intent Give False Information, Assault Cause Bodily Injury Family Member and Poss Marijuana < 2 oz which do not belong to the Plaintiff, but that actually belongs to at least one other consumer (herein after the “inaccurate information”). Plaintiff has no criminal history of her own.

11. In creating and furnishing the Plaintiff’s consumer report, Defendant failed to follow reasonable procedures to assure the maximum possible accuracy of the information it reported about the Plaintiff. Due to Defendant’s faulty procedures, Defendant mixed the consumer report of Plaintiff with that of at least one other consumer. Had Defendant followed reasonable procedures it would not have reported the inaccurate information, as any rudimentary check of the public records would have revealed these inaccuracies. Defendant obviously failed to employ such a procedure.

12. Defendant has been reporting the inaccurate information through the issuance of false and inaccurate consumer report(s) that it has disseminated and sold to various persons, both known and unknown.

13. Defendant has sold report(s) containing the inaccurate information to third parties since at least September 2022.

14. As a result of the inaccurate report(s) Defendant sold to Horizons in September 2022, Plaintiff was denied an apartment. The basis for that denial was the inaccurate information that appears on Plaintiff's consumer report prepared by the Defendant, which was a substantial factor for the denial.

15. As a result of Defendant's conduct, Plaintiff has suffered actual damages in the form of lost rental opportunities, harm to reputation, and emotional distress, including humiliation and embarrassment.

16. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees who were acting within the course and scope of their agency or employment, and under the direct supervision and control of the Defendant herein.

17. At all times pertinent hereto, the conduct of the Defendant, as well as that of its agents, servants and/or employees, was malicious, intentional, willful, reckless, and in grossly negligent disregard for federal and state laws and the rights of the Plaintiff herein.

**CLAIMS**  
**COUNT I - VIOLATIONS OF THE FCRA**

18. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

19. At all times pertinent hereto, the Defendant was each a "person" and "consumer reporting agency" as those terms are defined by 15 U.S.C. § 1681a(b) and (f).

20. At all times pertinent hereto, Plaintiff was a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

21. At all times pertinent hereto, the above-mentioned credit reports were “consumer reports” as that term is defined by 15 U.S.C. § 1681a(d).

22. Pursuant to 15 U.S.C. § 1681n and 15 U.S.C. § 1681o, Defendant is liable to the Plaintiff for willfully and negligently failing to comply with the requirements imposed on a consumer reporting agency of information pursuant to 15 U.S.C. § 1681e(b).

23. The conduct of Defendant was a direct and proximate cause, as well as a substantial factor, in bringing about the serious injuries, actual damages and harm to the Plaintiff that are outlined more fully above and, as a result, Defendant is liable to the Plaintiff for the full amount of statutory, actual and punitive damages, along with the attorneys’ fees and the costs of litigation, as well as such further relief, as may be permitted by law.

#### **JURY TRIAL DEMAND**

24. Plaintiff demands trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff seeks judgment in Plaintiff’s favor and damages against the Defendant, based on the following requested relief:

- (a) Actual damages;
- (b) Statutory damages;
- (c) Punitive damages;
- (d) Costs and reasonable attorneys’ fees; and
- (e) Such other and further relief as may be necessary, just and proper.

Respectfully Submitted,

BY: /s/ Martin Woodward

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Dated: February 23, 2023

***Attorneys for Plaintiff***